

Remarks

Claims 1, 4-11, 13-14, 16-22 and 25-27 are currently pending in the Application.

Summary of claim amendments

This response amends Claims 1, 4, 7, 13, 16-17, 21 and 25-27 to clarify the language of the claims.

35 U.S.C. §101 rejection

The Examiner rejects the pending claims for allegedly being directed to non-statutory subject matter. According to the Examiner, the “adapters” recited in Claim 1 can be servlets and the “message broker” recited in Claim 1 can be a webserver implemented as software. Although Applicants disagree with the Examiner’s assertions, Applicants have amended Claim 1 to specifically recite a “server” instead of a “message broker.” Support for this amendment can be, for example, found on page 7, lines 11-12 of the specification.

According to MPEP Section 2106.01:

“Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory.”

Applicants submit that because Claim 1 has been amended to recite a “server,” amended Claim 1 taken as a whole is not directed to a program listing and is therefore statutory.

Because the pending claims as amended recite a “server,” Applicants submit that they are statutory and respectfully request that the rejection be withdrawn.

The Examiner further asserts that the pending claims are not limited to producing a useful, concrete, and tangible result as required by 35 U.S.C. §101. Applicants respectfully disagree and submit that pending claims as amended comply with the requirements of 35 USC § 101, for the reasons that follow.

Applicants submit that the pending claims have been amended to recite “configured to” instead of “operable to.” That means that the pending claims are no longer just capable of performing the steps that follow, but the claimed system actually produces the claimed results that are i) useful, ii) tangible and iii) concrete. Therefore, Applicants respectfully request that the rejection be withdrawn.

35 U.S.C. §102(b) rejection

Claims 1, 4, 6-11, 13-14, 16-22 and 25-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith (U.S. Patent No. 5,790,790). Applicants respectfully disagree. Applicants submit that Smith does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 1 of the present application:

“receive a message from the first client system ... comprising **content information and destination information**” (emphasis added)

The Examiner asserts that this feature is disclosed in Smith’s text from column 7, line 28 to column 9, line 9. Applicants respectfully traverse the Examiner’s assertion.

Applicants first request that instead of generally referring to two columns of text in Smith, the Examiner comply with 37 C.F.R. §1.104(c)(2) by designating “as nearly as practicable” where Smith discloses “first channel adapter” and “second channel adapter” that are configured to perform as recited in Claim 1.

The above notwithstanding, Applicants note that according to Smith, when Sam’s BFD desktop opens a connection to a local server, the session managers 102 in the local server first receives information about the intended recipients followed by the upload of the files

to be transmitted (c. 7, ll. 34-40 of Smith). Where does Smith teach a message that comprises “content information and destination information” as recited in Claim 1.

Because Smith’s session managers 102 receives information about the intended recipients separately from the files to be transmitted, Smith does not teach, disclose or suggest “receive a message from the first client system ... comprising content information and destination information” as recited in Claim 1. Hence, Claim 1 is patentable over Smith and should be allowed by the Examiner. Claims 4-11 and 20-21, at least based on their dependency on Claim 1, are also be patentable over Smith.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 1, Smith does not at least teach disclose or suggest “receiving a message from the first client system ... comprising content information and destination information corresponding to a message channel” as recited in Claim 22. Hence, Claim 22 is patentable over Smith and should be allowed by the Examiner.

Claim 25

Applicants submit that, at least for the reasons stated above for Claim 1, Smith does not at least teach disclose or suggest “receive a message from the first client system ... comprising content information and destination information” as recited in Claim 25. Hence, Claim 25 is patentable over Smith and should be allowed by the Examiner. Claims 13-14, at least based on their dependency on Claim 25, are also be patentable over Smith.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Smith does not at least teach disclose or suggest “receive a message from the first client system ... comprising content information and destination information” as recited in Claim 26. Hence, Claim 26 is patentable over Smith and should be allowed by the Examiner. Claims 16-19, at least based on their dependency on Claim 25, are also be patentable over

Smith.

Claim 27

Applicants submit that, at least for the reasons stated above for Claim 1, Smith does not at least teach disclose or suggest “receive a message from the first client system ... comprising content information and destination information” as recited in Claim 27. Hence, Claim 27 is patentable over Smith and should be allowed by the Examiner.

35 U.S.C. §103(a) rejection

Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Smith.

Applicants submit that Claim 5, at least based on its dependency on Claim 1, is believed to be patentable over Smith, because there is no prima facie 35 USC 103(a) case based on Smith, as shown above.

Conclusion


In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

June 25, 2007
(Date of Deposit)

Stefanie N. Pallan
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June 25, 2007
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